

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

M STREET INVESTMENTS, INC.

PLAINTIFF

VS.

CIVIL ACTION NO. 3:13-cv-878(DCB)(MTP)

ZURICH AMERICAN INSURANCE COMPANY,  
BELFOR USA GROUP, INC., and  
GARY WILBORN a/k/a GARY WILBURN

DEFENDANTS

ORDER

This cause is before the Court on plaintiff M Street Investments, Inc.'s Motion to Enforce Order and Award Sanctions (docket entry 54). Having carefully considered the motion and defendant Zurich American Insurance Company's response, as well as the parties' memoranda and the applicable law, the Court finds as follows:

M Street's motion, filed on August 22, 2013, asserted that Zurich had failed to appoint an appraiser as contemplated by the parties' contract and as ordered by the Court in its August 8, 2013, Order. The motion requested the Court to appoint an appraiser for the defendant, and to award sanctions. Following briefing by the parties, the Court was advised that Zurich had selected an appraiser, but that the appraisers could not agree on the appointment of an umpire. The Court therefore entered an Order on September 23, 2013, providing that the Court would make the selection of an umpire. After input from the parties, the Court selected Harvey R. Little as umpire on October 15, 2013.

In light of Zurich's selection of an appraiser, and the court's appointment of an umpire, the Court finds that M Street's motion to enforce order is moot, and that M Street's motion for sanctions should be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff M Street Investments, Inc.'s Motion to Enforce Order (**docket entry 54**) is MOOT, and Motion to Award Sanctions (**docket entry 54**) is DENIED.

SO ORDERED, this the 28th day of March, 2014.

/s/ David Bramlette  
UNITED STATES DISTRICT JUDGE